

**CITY OF NEW ORLEANS  
CHIEF ADMINISTRATIVE OFFICE**

**POLICY MEMORANDUM NO. 33 (R)**

**January 1, 2015**

**TO:** All Departments, Boards, Agencies and Commissions

**FROM:** Andrew D. Kopplin, Chief Administrative Officer



**SUBJECT: Maternity and New Parent Leave**

**I. PURPOSE**

This policy memorandum provides guidelines and procedures for employees requesting maternity and new parent leave ("parental leave") due to pregnancy, childbirth, or the adoption and permanent placement of an adoptive child. These guidelines and procedures were established in accordance with the Pregnancy Discrimination Act, the Patient Protection and Affordable Care Act of 2010 (PPACA), an amendment to the Title VII of the Civil Rights Acts of 1964, Louisiana Revised Statutes Title 23, and Civil Service Rule VIII, Section 9.

**II. DEFINITIONS**

"Parental Leave" is maternity, paternity, and adoptive parent leave due to pregnancy, childbirth, or the adoption process and permanent placement of an adoptive child that shall be recorded as parental leave and shall be granted by the City, in addition to the employee's accumulated sick and annual leave.

"Maternity Leave" is the eligible eight (8) week parental leave period after the birth of a child or children. Under this policy, maternity status applies to those having given birth to a child or children.

"Paternity Leave" is the eligible two (2) week parental leave period after the birth of a child or children. Under this policy, paternal status applies to those persons who are (1) the husband of a person who has given birth to a child or children; (2) the registered domestic partner of a person who has given birth to a child or children; or (3) the biological father of a newborn child or children.

"Adoptive Parent Leave" is the eligible eight (8) week parental leave period before or after the permanent placement of a child or children under five (5) years of age for the adoptive primary caregiving parent, as attested by the adoption agency or other official source, and the eligible two (2) week parental leave period before or after permanent placement of a child or children under five (5) years of age for the adoptive secondary caregiving parent, as attested by the adoption agency or other official source. Under this policy, an adoptive parent is one who has become the legal adoptive parent of a child and who has taken permanent custody of the child.

### **III. APPLICATION**

This policy shall extend to all full-time classified and unclassified probationary, provisional and permanent employees with at least twelve months of service who qualify under the conditions of this policy during their employment with the City of New Orleans.

Employees who are currently on maternity or FMLA leave at the time of the issuance of this policy will be credited the parental leave in accordance with this policy. An employee is only eligible for paid parental leave a maximum of once annually.

The following employees are excluded from this policy: full-time employees who have been employed by the City for less than one continuous year (twelve months), part-time or temporary employees, surrogate mothers, and sperm donors.

### **IV. GOVERNING AUTHORITY**

Home Rule Charter Section 4-302(5) authorizes the Chief Administrative Officer to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards."

### **V. RESPONSIBILITIES OF EMPLOYEES**

- A. An employee must notify an Appointing Authority at least ninety (90) days before going on leave unless medical circumstances necessitate otherwise. The employee must provide the start and end dates of the expected leave and complete the attachment provided with this memorandum.
- B. An employee must provide medical certification from a physician or adoption agency to support the request for leave. The certification must be prepared on official letterhead or prescription paper that contains the name and contact information of the physician or adoption agency.

**Note:** If the leave request is beyond eight (8) weeks; a status report must be given to the Appointing Authority on the first work day of each subsequent month.

- C. The employee must provide a breakdown of the type(s) of leave for the requested time period in order to obtain approval from his or her Appointing Authority. An employee may elect to use a combination of leave, including leave without pay or prior accumulated sick leave or annual leave, in addition to or in lieu of the parental leave periods set forth in Section II. At the discretion of the Appointing Authority, donated leave may be used in addition to the parental leave provided in Section II for up to four weeks for maternity leave, provided that the employee has expended all accumulated sick leave before donated leave can be applied.

- D. An Appointing Authority may request that an employee who has utilized maternity leave submit a return-to-work statement authorized in writing by a physician. The return-to-work statement must affirm, before returning to work, that the employee is able to perform the essential functions of her job.
- E. If an employee is on leave without pay, the employee must make arrangements to pay all applicable healthcare premiums and pension contributions to the respective offices.

## **VI. RESPONSIBILITY OF APPOINTING AUTHORITIES**

- A. Appointing Authorities must ensure that all employees are informed of the provisions of the Family and Medical Leave Act ("FMLA").
- B. Appointing Authorities or their representatives should ensure that proper documentation is supplied by the employee requesting the leave before approval is given.
- C. The Appointing Authority may authorize leave for a period of up to six (6) months depending on medical necessity, but only the first eight (8) or two weeks (2) are eligible for parental leave under this policy.
- D. Appointing Authorities must review any employee's request for accommodation to transfer to a less strenuous or hazardous position for the duration of the pregnancy if recommended by a physician.
- E. An employee on approved parental leave shall be reinstated to his or her former position, or a comparable position in supervisory and duty responsibilities at the same pay, upon return to work within the twelve (12) weeks provided by FMLA.
- F. The Appointing Authority or designee shall document the employee's parental leave as set forth in this policy. All medical documentation related to parental leave shall be kept in a separate confidential medical file.
- G. Upon return to work, the Appointing Authority shall ensure that nursing mothers are provided with a private, sanitary place outside of a restroom to express breast milk or nurse the child until the child is one (1) year old and provide reasonable unpaid break time for hourly employees to express breast milk or nurse.

## **VII. BENEFITS DURING PARENTAL LEAVE**

- A. The City of New Orleans will maintain its contribution toward medical coverage for up to twelve (12) weeks of paid leave (*i.e.*, parental leave under this policy and the balance of additional sick or annual leave taken on a maternity, paternity or adoptive parent basis) at the same level as if the employee were actively at work. However, employee contributions are required during any period of leave without pay and remain the employee's responsibility for

payment. At the employee's option, payment may be made either in a lump sum in advance or monthly during the leave. If both parents are employees, both employees may access the paid benefits of this policy. In addition, they are entitled to family and medical leave if eligible. Any questions regarding health care coverage should be directed to the Chief Administrative Office Benefits Administration at (504) 658-8600.

- B. Contributions for the pension plan will continue to be made during periods of paid leave but will not be made for periods of unpaid leave. Employees should contact their respective Retirement System to make arrangements to pay missed contributions. Any questions regarding pension contributions should be directed to the applicable retirement system (Municipal Employees Retirement System at (504) 658-1850; Fire Pension System at (504) 366-8102 or Police Pension System at (800) 443-4248).
- C. In accordance with Civil Service Rule VIII, Section 1.1, (e), "no annual leave shall accrue to an employee during any bi-weekly period, or part thereof, in which an employee is on leave without pay."

#### **VIII. INQUIRIES**

Questions concerning this memorandum should be addressed to the Chief Administrative Office at (504) 658-8600.

Attachment